



**Tehama County Department of Agriculture
FY 2010/11 Through 2012/13
Pesticide Use Enforcement Program**

The following is the Fiscal Year 2010/11 through 2012/13 Pesticide Use Enforcement Program between the Tehama County Department of Agriculture and the California Department of Pesticide Regulation. It consists of seven pages and covers the FY 2010/11 through 2012/13 workplan and associated documents.


Rick J. Gurróla, Commissioner
Tehama County Ag Department


Date

Tehama County Department of Agriculture
Pesticide Use Enforcement Program
FY 2010/2011, 11/12, and 12/13

The California Department of Pesticide Regulation (DPR) requires that County Agricultural Commissioners (CAC) develop a pesticide use enforcement work plan for approval by DPR. This plan must contain the 'core enforcement program elements' of restricted materials permitting, compliance monitoring and enforcement response, which are the same elements as in recent planning cycles. Reference to past work plans will assist in development of future plans. This work plan will span the next three fiscal years, with a review of progress to be done annually.

County Resources

During the previous three year program, Tehama County implemented a salary survey with neighboring counties. As a result, salaries were gradually brought within average for the geographical area and staff turnover has stabilized. Most biologists have been with Tehama County for five to six years and this more experienced staff has allowed for a better Pesticide Regulatory program.

Data from our last three Annual Financial Statements shows the following time and expenses:

Fiscal Year	Staff Hours	% of Budget
2007/08	7017.5	38.9
2008/09	6431	35.2
2009/10	5742.75	36.2

Staff hours in the Pesticide Enforcement Program have decreased due to increased program commitments in Pest Detection and Plant Quarantine. Recent staff levels have also been affected by medical and family leave, which impacts a small office like ours disproportionately. Despite these challenges, we have been able perform more inspections, due to increasingly experienced staff.

Restricted Materials Permitting

Tehama County currently uses the RMMS restricted materials permit program (RMPP). During the previous program period, our office switched from the AgGIS to RMPP due to difficulty interfacing that program with our data. In the upcoming program cycle, we will be switching from RMMS to the RMPP being developed by CACASA through Environ. Changing programs has been difficult for our staff and permittees, but the RMPP being developed should be in use for an extended period and will be used by most if not all CACs. This program will have GIS capability and allow digitizing of sites.

We have seven licensed staff that issue permits, allowing better service to growers. Our office is open to review permit applications and related activities eight hours a day, five days a week during the busy permitting times of December through April and by appointment the balance of the year. As discussed above, our staffing has stabilized and we are able to provide improved permit reviews.

We continue to use a local site monitoring plan that assists biologists in prioritizing inspections (see attachment). Our office has better targeted high priority applications recently, with attention on specific crops (rice and phenoxy sensitive crops), high complaint applications (field fumigations) and new Section 18 chemicals (Manzate on walnuts). Regular staff meetings and interoffice discussion of targeted applications has helped keep high priority monitoring in focus.

Compliance Monitoring

Our office, in conjunction with our DPR Enforcement Branch Liaison (EBL), performs annual evaluations of past compliance activities in order to develop future program planning. In order to optimize limited resources, we continue to reevaluate our compliance monitoring activities. We have considered assigning staff to specific monitoring areas (geographic, type of application, etc.). While we do not currently plan to assign the biologists geographically, we do have some specialized assignments (structural fumigation, rice pesticides, etc.) for experienced staff that allow better quality inspections. We continue to utilize training opportunities from DPR and our more experienced staff has also resulted in more quality inspections and investigations.

Analysis of FY 2009/10 monitoring activities shows violations in two main categories: records and Personal Protective Equipment (PPE). Most of the records violations were late use reports and our office has developed a flow chart process to uniformly apply enforcement actions in these cases. We continue to review requirements for these violations at grower training sessions, permit issuance and focused inspections. There were a disproportionately high number of violations associated with a few headquarters inspections. These were associated with permittees that had had little contact with our office and these situations have been resolved. A larger number of use monitoring inspections were performed in FY09/10, resulting in smaller number of noncompliances. Training, focused monitoring inspections and application of the Enforcement Response regulation should help further decrease these violations.

We will continue to assure that noncompliances found during application, mix/load or fieldworker monitoring inspections are corrected at the time of inspection or a follow up inspection will be performed. For inspections with multiple PPE violations, and it appears that the employee may not have been adequately trained, our target will be to conduct a headquarters inspection within 30 days of the initial inspection. To continue to improve our program, we will analyze the results of our inspections, illness and episode investigations and will use other feedback from DPR and the public. In addition, we will use this information to design focused training outreach. We will commit to work with our EBL to review and evaluate our program effectiveness throughout the duration of this workplan to ensure improvements are continually made in our site monitoring prioritization and enforcement activities.

Investigation and Enforcement Response

We will continue to have the following as targets for Investigation Response and Reporting:

Timely initiation and completion of non-priorities-We will initiate investigation of all incidents within 48 hours of receipt and have a target of 60 days for completion.

Timely priority episode investigation and reporting-We will adhere to guidelines DPR has for priority investigations.

Development and use of investigation plans-We will use DPR's guidance for conducting investigations.

Thorough report preparation-We will submit reports that meet DPR's criteria for completion and will work with our EBL in order to ensure complete reports. We will cooperate with our EBL in order to train and continually improve staff in investigation and report writing.

Complaint Log-We will make available to our assigned EBL a log that covers episode investigations not already reported or tracked as a priority episode investigation or pesticide illness. The log will include the following information: County name, month, tracking number or file name, pesticide(s) involved in the episode if any, type of episode, location within the county, violations found and date investigation was closed.

Enforcement Response-Tehama County will evaluate our enforcement response and assure it is fair, consistent and timely. We will consider all appropriate enforcement options in our regulatory toolbox. Referral to the state will be considered where appropriate. Timely responses will be assured in order to prevent lost or compromised evidence and to help tie our action to the violation. Our office will have a target of 60 days for completion of our investigation and taking any enforcement action within 90 days. We will respond to all violations with either a compliance action or enforcement action as required by 3CCR 6128 and 6130. We will use the action that will most likely ensure future compliance.

Tehama County Department of Agriculture
PUE Work Plan Goals FY 2010/11, 11/12, 12/13

<u>Type</u>	<u>Number</u>
Application	45
Mix/Load	24
Fumigation	30
Fieldworker	10
Headquarters	20*

*At least 25 % of the inspections will be follow-up to violations from application and mix/load inspections.

Guidance Document for Site Monitoring

The Tehama County Ag Department will monitor 5% of sites on Restricted Materials Permits (RMP) each year as required by 3CCR 6436. Such sites will be monitored with priority being given to those with certain criteria:

- New sites and new permittees
- New Section 18, SLN or restricted materials
- Insecticides during bloom periods (crop or weeds)
- Sites adjacent to sensitive areas as defined by our office
- Sites that have had a significant change in the surrounding areas (crops or land use)
- Category I materials, especially liquids
- NOI's on sites with history of complaints or noncompliances

Compliance Inspection Prioritization Plan

The Tehama County Ag Department will prioritize its use monitoring activities with the following priorities:

- Sites identified by the monitoring plan above

And nonrestricted use activity with

- Proximity to sensitive sites
- Minimal Exposure Pesticides
- Recent compliance history
- Illness and episode history

Tehama County Ag Department
Pesticide Use Enforcement
Sensitive Sites

Sensitive site includes, but are not limited to, schools, hospitals, convalescent homes, and daycare centers. Other sites may be designated as sensitive on a case by case basis by the Agricultural Commissioner.

Sensitive sites that have a transient population such as schools and daycare centers may not have restricted materials applied within 100 feet by ground or 300 feet by air of the property line during normal school hours or organized activities. Hospitals and convalescent homes may not have restricted materials applied within 100 feet by ground or 300 feet by air of the property line at any time.

Waivers to the above conditions may be granted on a case by case basis by the Agricultural Commissioner.

The Agricultural Commissioner will, when issuing Restricted Material Permits, consider the proximity of the proposed application site to sensitive sites. A map of known sensitive sites will be maintained by the Agricultural Commissioner to aid in identifying sensitive sites.